

United States District Court
for the
Southern District of New York

NATIONSTAR MORTGAGE LLC D/B/A)	
MR. COOPER)	
)	Civil Action No. 19-cv-1017
Plaintiff)	
v.)	ORDER VACATING DEFAULT
)	JUDGMENT OF FORECLOSURE
)	AND SALE, VOLUNTARILY
)	DISMISSING ACTION, AND
)	CANCELLING THE NOTICE OF
)	PENDENCY OF ACTION
)	
)	
HEATHER DUFFELMEYER, RICHARD)	
DUFFELMEYER, BANK OF AMERICA,)	
N.A.)	
)	
Defendant(s))	

Before the Court is a motion to voluntarily dismiss the Complaint pursuant to Fed. R. Civ. P. § 41(a)(2), vacate the Default Judgment of Foreclosure and Sale pursuant to Fed R. Civ. P. §60(b), and cancel the Notice of Pendency of Action pursuant to N.Y. C.P.L.R. §6514(a). The action was commenced by filing of the Summons and Complaint on February 5, 2019, copies of which were served on the Defendants. The Defendants failed to answer, appear or motion with respect to the Complaint and defaulted. On October 10, 2019, the Court granted the Plaintiff default judgment pursuant to Fed. R. Civ. P. §55(b)(2) and a Judgment of Foreclosure and Sale pursuant to N.Y. R.P.A.P.L. §1351 and §1354. Thereafter, the Plaintiff entered into a loss mitigation agreement with the Defendant, which settled the case and nullified the Judgment of Foreclosure and Sale. On these grounds, it is hereby:

ORDERED, ADJUDGED AND DECREED, the Plaintiff's motion is granted; and it is further

ORDERED, ADJUDGED AND DECREED, the Default Judgment of Foreclosure and

Sale entered on October 10, 2019 is vacated pursuant to Fed. R. Civ. P. § 60(b); and it is further

ORDERED, ADJUDGED, AND DECREED, the Referee who was appointed to sell the property at public auction pursuant to the Judgment of Foreclosure and Sale, Daniel L. Pagano, Esq., is discharged and relieved of any and all obligations and requirements thereunder; and it is further

ORDERED, ADJUDGED, AND DECREED, that pursuant to N.Y. C.P.L.R. § 6514(a), the County Clerk of Putnam County is directed, upon payment of proper fees, if any, to cancel and discharge a certain Notice of Pendency filed in this action on the April 4, 2019 and in the Office of the Clerk of the United State District Court for the Southern District of New York, and any other filing against the property known as 29 Garrison Road, Carmel, NY 10512, and said Clerk is directed to enter upon the margin of the record of the same a Notice of Cancellation referring to this Order.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'K. Karas', is written over a horizontal line.

7/13/21

U.S. District Judge Kenneth M. Karas
United States District Court for the Southern
District of New York